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CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY MJS DEPUTY

REDACTED FOR
PUBLIC DISCLOSURE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

CR-22-01128-PHX-DLR (MTM)

INDICTMENT

VIO: 21 U.S.C. §§ 841(a)(1) and (b)(1)(C)
(Distribution of a Controlled
Substance Resulting in Death and
Serious Bodily Injury)
Count 1

21 U.S.C. § 843(b)
(Use of Communication Facility in
Facilitating the Commission of a
Drug Felony)
Count 2

18 U.S.C. §§ 981 and 982,
21 U.S.C. §§ 853 and 881, and
28 U.S.C. § 2461(c)
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

COUNT 1

On or about January 2, 2022, in the District of Arizona, the defendant, STUART ANDREW NEWELL, did knowingly and intentionally distribute a mixture or substance containing a detectable amount of methamphetamine and N-phenyl-N-[1-(2-phenylethyl)-

1 4-piperidinyl] propanamide (commonly known as fentanyl), Schedule II controlled
2 substances, to A.M.D., whose death and serious bodily injury resulted from such
3 substances.

4 In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

5 **COUNT 2**

6 On or about January 2, 2022, in the District of Arizona, the defendant, STUART
7 ANDREW NEWELL, did knowingly and intentionally use any communication facility,
8 the Facebook application, in facilitating the commission of any act or acts constituting a
9 felony under Title 21, United States Code, Section 841(a)(1), that is, offense set forth in
10 Count 1 of this indictment incorporated by reference herein.

11 In violation of Title 21, United States Code, Section 843(b).

12 **FORFEITURE ALLEGATIONS**

13 The United States realleges and incorporates the allegations of Counts 1 and 2 of
14 this Information, which are incorporated by reference as though fully set forth herein.

15 Pursuant to Title 18, United States Code, Sections 981 and 982, Title 21, United
16 States Code, Sections 853 and 881, and Title 28, United States Code, Section 2461(c), and
17 upon conviction of one or more of the offenses alleged in Counts 1 and 2 of this Indictment,
18 the defendant shall forfeit to the United States of America all right, title, and interest in (a)
19 any property constituting, or derived from, any proceeds the persons obtained, directly or
20 indirectly, as the result of the offense, and (b) any of the defendant's property used, or
21 intended to be used, in any manner or part, to commit, or to facilitate the commission of
22 such offense.

23 If any of the forfeitable property, as a result of any act or omission of the
24 defendant(s):

- 25 (1) cannot be located upon the exercise of due diligence,
26 (2) has been transferred or sold to, or deposited with, a third party,
27 (3) has been placed beyond the jurisdiction of the court,

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1 (4) has been substantially diminished in value, or
2 (5) has been commingled with other property which cannot be divided without
3 difficulty, it is the intent of the United States to seek forfeiture of any other property of said
4 defendant(s) up to the value of the above-described forfeitable property, pursuant to Title
5 21, United States Code, Section 853(p).

6 All in accordance with Title 18, United States Code, Sections 981 and 982, Title 21,
7 United States Code, Sections 853 and 881, Title 28, United States Code Section 2461(c),
8 and Rule 32.2, Federal Rules of Criminal Procedure.

9
10 A TRUE BILL

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12 _____
13 /s/
14 FOREPERSON OF THE GRAND JURY
15 Date: September 6, 2022

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17 GARY M. RESTAINO
18 United States Attorney
19 District of Arizona

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21
22 _____
23 /s/
24 BRANDON M. BROWN
25 THOMAS M. FORSYTH III
26 Assistant U.S. Attorneys